

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

THE HOPI TRIBE,)	
)	No. 14-73055
Petitioner,)	consolidated with Nos.
)	14-73100, 14-73101, 14-73102
)	
v.)	
)	
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	
)	

MOTION TO SEVER AND STAY CASE NO. 14-73055

Pursuant to Rule 27 F.R.C.P. and Circuit Rule 27-1, the United States on behalf of Respondent U.S. Environmental Protection Agency, and the Hopi Tribe, Petitioner in Case No. 14-73055, move to sever and stay the Hopi Tribe's petition, No. 14-73055.

The Court consolidated these four petitions for judicial review on December 14, 2014, and on January 20, 2015, the Court granted the motion of the United States and the Hopi Tribe to extend the deadline for opening briefs for all petitioners from January 26 to March 16, 2015. The moving parties explained that the March deadline would allow the Hopi Tribe and the United States time to negotiate a resolution of the Hopi Tribe's claim and, if those parties reach an agreement, voluntarily dismiss that aspect of

this litigation.

Counsel for the United States and for the Hopi Tribe have diligently pursued negotiations and (save for one provision) are close to reaching an agreement in principle which they would recommend to the decision-makers within their respective client governments. If the agreement in principle is reached and approved by the appropriate decision-makers within the U.S. government and the Hopi Tribe, then Hopi Tribe will voluntarily dismiss its petition, No. 14-73055. However, due to the decision-making structure within each of these parties, obtaining a final decision will likely take several additional weeks.

Counsel for the United States and for the Hopi Tribe believe that they are sufficiently close to a voluntary resolution that severing and staying the Hopi Tribe's petition is the most efficient option for the parties and the Court.

THEREFORE, the Hopi Tribe and the United States respectfully request an Order from the Court: (1) severing case No. 14-73055; and (2) staying all proceedings in No. 14-73055, with a joint status report due within 45 days if No. 14-73055 has not been dismissed by that time.

Respectfully submitted,

JOHN C. CRUDEN
Assistant Attorney General

Environment & Nat. Resources Div.

/s/

DANIEL R. DERTKE
United States Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
Tel: (202) 514-0994
Fax: (202) 514-8865
daniel.dertke@usdoj.gov

Attorney for Respondent

/s/

Anne Lynch
Michael D. Goodstein
HUNSUCKER GOODSTEIN PC
5335 Wisconsin Ave. NW, Suite 360
Washington, DC 20015
Telephone: (202) 895-5380

Marc A. Shapp
HUNSUCKER GOODSTEIN PC
3717 Mt. Diablo Blvd., Suite 200
Lafayette, CA 94549
Telephone: (925) 284-0840
Facsimile: (925) 284-0870

*Attorneys for Petitioner The Hopi
Tribe*

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